

By Zaffrini

S.B. No. 825

A BILL TO BE ENTITLED

AN ACT

relating to county restriction on the use of aerial fireworks during drought conditions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 240.904(d), Local Government Code, is amended to read as follows:

(d) To facilitate compliance with an order adopted under Subsection (c), the order must be adopted before:

(1) June 21 [+5] of each year for the Fourth of July fireworks season; and

(2) December 17 [+5] of each year for each December fireworks season.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

*Replaced by sub*

1-1 By: Zaffirini S.B. No. 825  
1-2 (In the Senate - Filed March 3, 1999; March 4, 1999, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 16, 1999, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;  
1-6 April 16, 1999, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 825 By: Ellis

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to county restriction on the use of aerial fireworks  
1-11 during drought conditions.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (d), Section 240.904, Local Government  
1-14 Code, is amended to read as follows:

1-15 (d) To facilitate compliance with an order adopted under  
1-16 Subsection (c), the order must be adopted before:

1-17 (1) June 17 [±5] of each year for the Fourth of July  
1-18 fireworks season; and

1-19 (2) December 17 [±5] of each year for each December  
1-20 fireworks season.

1-21 SECTION 2. The importance of this legislation and the  
1-22 crowded condition of the calendars in both houses create an  
1-23 emergency and an imperative public necessity that the  
1-24 constitutional rule requiring bills to be read on three several  
1-25 days in each house be suspended, and this rule is hereby suspended,  
1-26 and that this Act take effect and be in force from and after its  
1-27 passage, and it is so enacted.

1-28 \* \* \* \* \*

FAVORABLY AS SUBSTITUTED  
SENATE COMMITTEE REPORT ON

(SB) SCR SJR SR HB HCR HJR 825  
By Senator Zaffirini  
(Author/Senate Sponsor)  
4-16-99  
(date)

Sir:

We, your Committee on INTERGOVERNMENTAL RELATIONS, to which was referred the attached measure,  
have on 4-14-99, had the same under consideration and I am instructed to report it  
(date of hearing)  
back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed  
☒ the caption remained the same as original measure  
☐ the caption changed with adoption of the substitute  
☐ do pass as substituted, and be ordered not printed  
☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Frank Madla, Chairman	<input checked="" type="checkbox"/>			
Senator Jon Lindsay, Vice-Chairman	<input checked="" type="checkbox"/>			
Senator Rodney Ellis	<input checked="" type="checkbox"/>			
Senator Mike Moncrief	<input checked="" type="checkbox"/>			
Senator Drew Nixon	<input checked="" type="checkbox"/>			
TOTAL VOTES	5	0	0	0

COMMITTEE ACTION

- ☒ S260 Considered in public hearing  
☒ S270 Testimony taken

William Stephens  
COMMITTEE CLERK

Frank Madla  
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute  
Retain one copy of this form for Committee files

WITNESS LIST

SB 825  
SENATE COMMITTEE REPORT  
Intergovernmental Relations Committee

April 14, 1999 - 8:30A

For: Mixon, Carl (Fire Marshal, Bexar Co.), San Antonio

On: Davis, Mike (State Fire Marshall, TX Dept. of Insurance),  
Austin

Registering, but not testifying:

For: Cain, Randy (TX Fire Chiefs Assoc.), Austin

Glover, Sue (TX Assoc. of Counties), Austin

Lee, Donald (Executive Dir., TX Conference of Urban Counties),  
Austin

Walker, Helen (Victoria Co. Judge, Co. Judges-Commissioners  
Assoc of TX), Austin

## **BILL ANALYSIS**

Senate Research Center  
76R11086 PAM-D

C.S.S.B. 825  
By: Zaffirini  
Intergovernmental Relations  
4/15/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, fireworks can only be sold to the public between June 24 and July 4 and between December 20 and January 1. County commissioners courts can issue orders banning aerial fireworks in a county due to drought conditions if the order is made before June 15 or December 15. This bill lengthens the time period that a county commissioners court has to issue an order prohibiting or restricting the use of aerial fireworks during drought conditions.

### **PURPOSE**

As proposed, C.S.S.B. 825 lengthens the time period that a county commissioners court has to issue an order prohibiting or restricting the use of aerial fireworks during drought conditions.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 240.904(d), Local Government Code, to require a county commissioners court to adopt an order to ban fireworks due to drought conditions by June 17, rather than June 15, for the Fourth of July fireworks season; and by December 17, rather than December 15, for each December fireworks season.

SECTION 2. Emergency clause.  
Effective date: upon passage.

### **SUMMARY OF COMMITTEE CHANGES**

#### **SECTION 1.**

Amends Section 240.904(d), Local Government Code, to delete the proposed date for a county commissioners court to adopt an order to ban fireworks due to drought conditions by June 21, for the Fourth of July fireworks season, and replace the date with June 17.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

April 14, 1999

**TO:** Honorable Frank Madla, Chair, Senate Committee on Intergovernmental Relations

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** **SB 825** by Zaffirini (Relating to county restriction on the use of aerial fireworks during drought conditions.), **Committee Report 1st House, Substituted**

<p><b>No fiscal implication to the State is anticipated.</b></p>
------------------------------------------------------------------

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JK, TL

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

March 4, 1999

**TO:** Honorable Frank Madla, Chair, Senate Committee on Intergovernmental Relations

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** SB 825 by Zaffirini (Relating to county restriction on the use of aerial fireworks during drought conditions.), **As Introduced**

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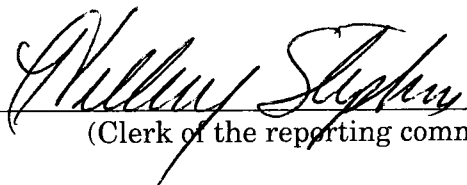
## REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN  
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that SB 825, by: Senator Zaffirini,  
(Bill No.) (Author/Sponsor)

was heard by the IGR Committee on 4-14, 1999,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

  
(Clerk of the reporting committee)

IMPORTANT: THE YELLOW COPY OF THIS FORM AND (1) COPY OF YOUR BILL OR RESOLUTION  
(COMMITTEE PRINTED VERSION) MUST BE DELIVERED TO THE ADMINISTRATION OFFICE,  
E1.714. DEADLINES FOR SUBMITTING BILLS WILL BE ANNOUNCED ON A REGULAR BASIS.

Committee Clerks: Original to Calendar Clerk. Pink copy for committee files. Green and yellow copies to bill author/sponsor.  
Author/Sponsor: Green copy for office files. Submit yellow copy to Administration with your bill.



By Zaffirini

S.B. No. 825

Substitute the following for S.B. No. 825:

By Ellis  
(Ellis)

C.S. S.B. No. 825

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4-16-99  
4-16-99

4-23-99  
4-23-99

April 26 1999 Engrossed  
Patsy Law  
Engrossing Clerk

By: Zaffirini

S.B. No. 825

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5 Code, is amended to read as follows:

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7 Subsection (c), the order must be adopted before:

8 (1) June 17 [+5] of each year for the Fourth of July  
9 fireworks season; and

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**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

April 14, 1999

**TO:** Honorable Frank Madla, Chair, Senate Committee on Intergovernmental Relations

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**Source Agencies:**

**LBB Staff:** JK, TL

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

March 4, 1999

**TO:** Honorable Frank Madla, Chair, Senate Committee on Intergovernmental Relations

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** SB 825 by Zaffirini (Relating to county restriction on the use of aerial fireworks during drought conditions.), **As Introduced**

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**Source Agencies:**

**LBB Staff:** JK, TL

S.B. No. 825

By Zaffirini

A BILL TO BE ENTITLED

AN ACT:

Relating to county restriction on the use of aerial fireworks during drought conditions.

MAR 3 1999 Filed with the Secretary of the Senate

MAR 04 1999 Read and referred to Committee on INTERGOVERNMENTAL RELATIONS

APR 16 1999 Reported favorably \_\_\_\_\_

APR 16 1999 Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

APR 26 1999 Ordered not printed

APR 26 1999 Laid before the Senate

APR 26 1999 Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

APR 26 1999 Read second time, \_\_\_\_\_, and ordered engrossed by: { unanimous consent  
a viva voce vote.  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

APR 26 1999 Senate and Constitutional 3 Day Rule suspended by a vote of 30 yeas, 0 nays.

APR 26 1999 Read third time, \_\_\_\_\_, and passed by: { A viva voce vote  
30 yeas, 0 nays

  
SECRETARY OF THE SENATE

OTHER ACTION:

April 26, 1999 Engrossed

April 26, 1999 Sent to House

Engrossing Clerk 

APR 26 1999 Received from the Senate

APR 27 1999 Read first time and referred to Committee on State Affairs

\_\_\_\_\_ Reported \_\_\_\_\_ favorably (as amended) (as substituted)

\_\_\_\_\_ Sent to Committee on (Calendars) (Local & Consent Calendars)

\_\_\_\_\_ Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.

\_\_\_\_\_ Read third time (amended); finally passed (failed to pass) by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ Returned to Senate.

\_\_\_\_\_ Returned from House without amendment.

\_\_\_\_\_ Returned from House with \_\_\_\_\_ amendments.

\_\_\_\_\_ Concurred in House amendments by a viva voce vote \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_  
CHIEF CLERK OF THE HOUSE

\_\_\_\_\_ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

**OTHER ACTION:**

\_\_\_\_\_ Recommitted to Conference Committee

\_\_\_\_\_ Conferees discharged.

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays